

STATE OF COLORADO

Roy Romer, Governor
Patti Shwayder, Acting Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

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Colorado Department
of Public Health
and Environment

September 12, 1995

Ms. Jessie Roberson
Assistant Manager for Environmental Programs
U.S. Department of Energy
P.O. Box 928
Golden, CO 80402-0928

Mr. Bob Duprey
U.S. Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2405

RE: Operable Unit 1 Dispute Resolution Committee Agreements

Dear Ms. Roberson and Mr. Duprey:

This letter documents the agreements reached by the Dispute Resolution Committee (DRC) during the August 25, 1995 meeting in resolving the Operable Unit 1 (OU1) dispute at Rocky Flats. OU1 is located on the 881 Hillside at the Rocky Flats Environmental Technology Site (RFETS). In attendance at this meeting were representatives from the U.S. Department of Energy, Kaiser-Hill, L.L.C., the U.S. Environmental Protection Agency, and the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.

The DRC resolved this dispute through identification and agreement on the following items:

- 1) A remedial action is required at OU1.
- 2) The DRC supports source removal at Individual Hazardous Substance Site (IHSS) 119.1 by excavation because soil excavation has the highest potential for preventing further contaminant migration and remediating the source of contamination.
- 3) The schedule for implementation of soil excavation at IHSS 119.1 shall be defined in accordance with the approved RFETS IHSS prioritization plan currently being developed. DOE and Kaiser-Hill may opt to accelerate the implementation of soil excavation from the schedule defined by the prioritization plan if it is determined to be advantageous to do so.
- 4) Groundwater in OU1 should be addressed in accordance with the sitewide RFETS groundwater strategy currently being developed. The sitewide groundwater strategy may also be used to assist the OU1 Working Group in determining the necessary extent of soil excavation. This will be dependent on the timeliness of a finalized ground water strategy.
- 5) The OU1 Working Group will convene within the next month to begin to define the limits of, and remedial design requirements for, the soil excavation. In addition, the working group will convene at a later date to determine the appropriate method for addressing the ground water, once the sitewide ground water strategy has been agreed upon.

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- 6) The DRC acknowledges institutional controls may be a necessary component of the OUI remedial action decision. The OUI Working Group shall define as quickly as possible the extent of necessary controls for each IHSS located in OUI.

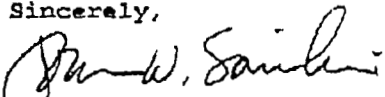
The DRC acknowledges that the goal for source removal by means of soil excavation is to drastically reduce and potentially eliminate long-term monitoring, continued French Drain operation, and continuing cost obligations for DOE.

The DRC also recommends that the draft groundwater strategy be completed by RFETS by December 1, 1995. If, within three months of receipt of the draft groundwater strategy by EPA and the Division, the strategy has not been finalized, the parties shall initiate the dispute resolution process.

The milestone schedules for OUI will be affected by the period of time necessary to resolve this dispute. During the first meeting of the OUI Working Group, a new schedule for preparation of a Proposed Plan/Draft Permit Modification through finalization of the ROD/CAD should be developed. This schedule can then form the basis for a schedule extension request from DOE to the regulatory agencies.

Please sign below indicating your concurrence with this summary of the dispute resolution.

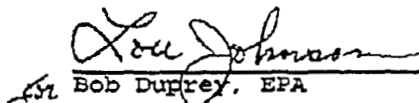
Sincerely,



Joan W. Sowinski, Manager
Hazardous Waste Control Program
Hazardous Materials and Waste Management Division

CONCURRENCE:



Jessie Roberson, DOE

for Bob Duprey, EPA

cc: L. Perrault, AGO
S. Tarlton, CDPHE-OR
M. Hestmark, EPA
G. Klecman, EPA
D. Shelton, Kaiser-Hill
D. George, DOE